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EAST TIMORESE NATIONAL CONVENTION IN THE DIASPORA
Lisbon and Peniche, 23 to 27 April 1998

MAGNA CARTA

concerning Freedoms, Rights, Duties and Guarantees for the People of East Timor

Adopted by acclamation at the
East Timorese National Convention in the Diaspora
Peniche, on 25 April 1998

The Second World War, which bore witness to innumerable violations of the most basic, natural rights of humankind, resulted in the death of millions of people, and left in its wake the bitter memory of the Holocaust and devastation. It created a universal awareness of the need for world peace and harmony. As a result, the United Nations Organisation was born based on respect for the rights of peoples and nations to self-determination and independence, the need to protect global peace, to condemn war and aggression and promote the peaceful solution of conflicts.

However, repeated violations of such principles and of other universally accepted norms of natural justice and international law, have undermined the rules that have been created for the preservation of peace between people and nations. The denial of the inalienable right of peoples to self-determination and independence, and the lack of tolerance for fundamental human rights lie at the root of the curse that is afflicting humankind at the end of the 20th century and on the eve of the new millenium.

The People of East Timor have been the victims of such violations, they have suffered as a result of intolerance and repeated acts of aggression and oppression.

We, the People of East Timor,

Mindful of our right to self-determination and independence and of our duty to achieve justice, to maintain peace and public order, to promote general well-being, to safeguard freedom and democracy.

Mindful of the urgent need to put an end to the tragedy that has befallen us over the past twenty-three years as a result of the aggression, invasion and illegal occupation of our Homeland by the Indonesian regime, and of the need to promote peace, democracy and progress;

Mindful of our historical, cultural, spiritual and religious heritage and of a cultural identity that is overwhelmingly rooted in the Judeo-Christian tradition;

Taking into account our many long years of suffering and declaring once again our firm resolve to be courageous and persistent in the Struggle to restore the international rule of law, self-determination and independence, social justice, equal rights and responsibilities between the peoples, in honour of the memory of the Heroes of our War of Liberation.

DECLARE our acceptance of:

I. the United Nations Charter which we shall consider from this day forward as being an integral part of the Constitution of a future independent East Timor;
II. the Universal Declaration of Human Rights of 10 December 1948 and the International Conventions on Human Rights;
III. the International Convention on Civil and Political Rights of 16 December 1966 and related Protocols;
IV. the International Convention on Economic, Social and Cultural Rights;
V. the Convention on the Prevention and Suppression of the Crime of Genocide of 9 December 1948; .
VI. the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 26 November 1968;
VII. the Declaration on the Rights of the Child of 20 November 1959;
VIII. the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965;
IX. the Convention on the Elimination of All Forms of Discrimination Against Women of 17 December 1979;
X. the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief of 25 December 1981;
XI. the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 17 December 1984;
XII. the United Nations Convention on the Law of the Sea;
XIII. the ILO Conventions;

Hence, the First National East Timorese Convention solemnly

PROCLAIMS, that an independent East Timor:

A. Will uphold a democratic, multi-party, law-abiding State, founded on the basic beliefs of the people of East Timor.

B. Unyielding support and strict respect for the fundamental freedoms and duties of each and every citizen, namely:

i) equal rights and duties for all East Timorese, and the total rejection of any form of discrimination based on age, race, colour, gender, origin, religious belief or social status;
ii) freedom of movement, right of residence and travel to be guaranteed through the creation of a democratic legal system;
iii) the right to and freedom of information and speech, guaranteed by the creation of legal mechanisms and instruments ensuring the punishment of authoritarian actions and the lack of transparency in the management of public affairs;
iv) freedom of conscience and religious belief, based on constitutional guarantees safeguarded through the promotion of civic and political education;
v) the elevation of customary rules of law as the basis for future East Timorese laws, so that a proper framework can be provided for traditional values within the new legal system and the new organisations of the State of East Timor as a state based on the rule of law;
vi) the duty to take part in or contribute to the struggle for Self-Determination and National Independence of East Timor;
vii) the duty to contribute to the future reconstruction of East Timor;
viii) the duty to contribute to national unity and to social and political harmony among the East Timorese.

C. Promotion of and respect for:

i) the right to self-determination and to a cultural identity, which shall be safeguarded by constitutional mechanisms and laws;
ii) the right to a democratic education, safeguarded through the adoption of laws which establish a national system of education aimed at eliminating illiteracy and showing respect for differences of opinion, the promotion of freedom of technological and scientific research, and the critical study and analysis of social-cultural and scientific paradigm;
iii) the right to health care and services for the protection of mothers and children, by adopting laws that give priority to public health and preventive medicine, and guarantee the protection of pregnant women and young mothers as well as providing for technological development in health care as a priority;
iv) the right of the elderly to protection, through the development of an appropriate social system that will make provision for the care of the elderly;
v) the rights of the disabled, orphans and widows to protection and to be treated in a humane and caring way;
vi) the right to own property based on rules that will regulate in a balanced way the complementarity between public and private interests and between social and individual goals;

vii) the culture, customs and traditional and religious values of the majority and minority groups who comprise the rich fabric of our Nation, while promoting research, disclosure and exchange of information;
viii) solidarity, co-operation and harmony between adherents of different religions as well as agnostics and atheists, and promotion of ecumenism and mutual respect between faiths while upholding the principle of the separation of State and religions;
ix) respectful handling of all foreign citizens who decide to make East Timor their country of residence, in conformity with international rules and standards, the principles of reciprocity and respect for national and international laws;
x) the creation of a pluralist society, where tradition and modernity complement each other and where the sovereignty of law and rights shall reign;
xi) the right to justice under the law by creating mechanisms for the prevention and combating of organised crime and by setting up official or semi-official provision of legal aid to those who require it, defending the sacred principle of the presumption innocence under the law for an accused person until proven guilty;
xii) the right to work and to fair remuneration based on the principle: of equal pay for equal work.

The 1st East Timorese National Convention in the Diaspora, mindful that:

The protection of the environment is essential to safeguard the survival of future generations.

REAFFIRMS that:

A. The State of East Timor shall consider as one of its fundamental tasks conservation of the natural resources of the territory, by adopting policies aimed at protecting the environment and promoting appropriate use of the land, and shall ensure that such goals are equally applied in policies regarding all sectors pursued by the State.

B. Furthermore, in view of the international and regional situation, it is necessary more than ever before:

i) that the Right of Peoples to Self-Determination and Independence as expressed in the United Nations Charter and Resolutions 1514 (XV) and 1541 (XV) of the UN General Assembly shall be reaffirmed;
ii) that the universal principles of International Law based on the need to find peaceful solutions to conflicts, upholding the principle of non-aggression, the duty to promote and defend international Peace and Stability, and the Freedom and Independence of Peoples shall be unequivocally reaffirmed;

iii) that all international norms for the prevention and punishment of Torture and other Cruel, Inhuman or Degrading Treatment, the prevention of Slavery and Serfdom, of Forced Labour and Child Labour, in line with the spirit and the letter of the International Conventions on these subjects, shall be adopted and upheld;
iv) that all international norms concerning the rights of women to equal treatment shall be adopted and upheld;
v) that a nuclear-free zone in the Indian and Pacific regions as well as global disarmament shall be defended;
vi) to support the setting up of an International Court for the Punishment of War Crimes and of Crimes Against Humanity.

C. As a country whose official language will be Portuguese, East Timor shall promote relations with those countries in Africa, Latin America and Europe that share the same language and moreover it will strive to strengthen CPLP - the Community of Portuguese-Speaking countries – as well as promoting its relations with the communities of the countries of the Asian-Pacific region.

D. Specifically with regard to the Asia-Pacific region once an independent East Timor has been created, the 1st East Timorese National Convention in the Diaspora, mindful of the need to heal the wounds of war and to ensure the political and economic integration of East Timor into the region and to foster democracy, progress and national and regional harmony, proclaims that:

i) an independent East Timor shall promote Peace and strengthen regional economic integration within the framework of ASEAN, the South Pacific Forum and APEC;

ii) an independent East Timor shall adopt a foreign policy aimed at fostering mutually advantageous co-operation and active neutrality with a view to finding solutions to inter-State conflicts; it shall subscribe to the Declaration of Concord and the ASEAN States Treaty of Friendship and Co-operation of February 1976 in which the defence of a Zone of Peace, Freedom and Neutrality included in the 1971 Declaration is reaffirmed;
iii) an independent East Timor shall resolutely uphold universal norms that defend the right of all people to self-determination and independence;
iv) an independent East Timor shall be an active partner within its geo-political area, it shall reject the arms race and promote disarmament in the Asian-Pacific region and throughout the world, as well as favouring dialogue as the way to solve conflicts;
v) an independent East Timor shall promote Human Rights in the region and throughout the world, defend the sacred meaning of life, the integrity of dwellings, mail, culture, religion, and the social, political and environmental harmony between people;

vi) an independent East Timor shall promote and defend equal rights between women and men;
vii) an independent East Timor shall defend policies aiming at the proper management, development and conservation of national resources so as to safeguard the survival of future generations;
viii) in an independent East Timor, the children and youth shall represent our hope in the future, and the protection and promotion of their rights shall always be a priority; their education shall be based on cultivating love and respect for life, peace, justice and equality so that a new world can be built on the ruins of war, a world in which the survival of the human race shall be based on new values.

Long Live the Martyrs of the Liberation of our Homeland and the Heroic People of East Timor

Adopted by acclamation on 25 April 1998

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CONVENÇÃO NACIONAL TIMORENSE NA DIÁSPORA
Lisboa e Peniche, 23 a 27 de Abril de 1998
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C.N.R.T. – CONSELHO NACIONAL DA RESISTÊNCIA TIMORENSE

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AST (a nomear/name to be announced)